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Customer Number

Patent  
Case No.: 56777US002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: BERQUIST, DAVID T.

Application No.: 09/876432

Group Art Unit: 2876

Filed: June 7, 2001

Examiner: Kumiko C. Koyama

Title: RFID DATA COLLECTION AND USE

**RESPONSE UNDER 37 CFR § 1.111**  
**AND PETITION FOR THREE MONTH EXTENSION OF TIME UNDER 37 CFR § 1.136(A)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION**

To Fax No.: 703-872-9306

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:

*August 27, 2004* *Melissa E. Buss*  
Date Signed by: Melissa E. Buss

Dear Sir:

This is in response to the outstanding Office Action, mailed February 27, 2004, in the above-identified application.

This Amendment is believed timely submitted as extended by the petition for a three (3) month extension of time submitted below. With a three (3) month extension of time, the deadline for replying to the Office Action is extended from May 27, 2004 to August 27, 2004.

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Applicants respectfully request the rejection of claims 1-7 under 35 U.S.C. § 103(a) over Garber et al. in view of Markman and Harrison be withdrawn.

Dependent Claims 2-7, 9-17 and 19-24: Lastly, Applicants point out that the Examiner did not include any discussion in the Office Action regarding any of the dependent claims, claims 2-7, 9-17 and 19-24. The Office Action discussion was solely focused on only the independent claims. Therefore, there is no support for the obviousness rejection against claims 2-7, 9-17 and 19-24, which is insufficient under the current law. Therefore, the rejection against claims 2-7, 9-17 and 19-24 is unsupported by art and should be withdrawn.

Withdrawal of the outstanding rejection and allowance of the pending claims is respectfully requested. If a telephonic conference would be helpful in resolving any outstanding matters in the present application, the Examiner is encouraged to contact applicants' undersigned representative.

Respectfully submitted,

August 27, 2004  
Date

By: Melissa E. Buss  
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Office of Intellectual Property Counsel  
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